

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

BRIAN KNIFFEN, an individual,

Plaintiff,

vs.

EAST WENATCHEE WATER DISTRICT, a
municipal water district,

Defendants.

Case No. 2:23-CV-00344-TOR

CIVIL MINUTES

DATE: 7/21/2025

LOCATION: Spokane

JURY TRIAL – DAY ONE

JUDGE THOMAS O. RICE

Lee Reams

LC 02

Allison Anderson

Courtroom Deputy

Law Clerk

Interpreter

Court Reporter

Beth Bloom /
Matthew O’Laughlin / Beth Kidd

Plaintiffs’ Counsel

Heather Yakely

Defendants’ Counsel

☒ **Open Court**

☐ **Chambers**

☐ **Telephonic**

8:30 am **All parties present
w/o jury**

The Court addressed parties regarding the pending Supplemental Motion in Limine (ECF No. 91) and the Motion to Offer Proof of Authenticity and Admissibility re EH Wachs Exhibits (ECF No. 100).

Matthew O’Laughlin addressed the Court in support of the Motion at ECF No. 91.

The Court rules that exhibit 92 and 93 are NOT admissible. Court denies the admission of the testimony of Jennifer Leonhardt as to overheard conversations.

Beth Bloom addressed the Court in Support of the Motion at ECF No. 100. Court reserves ruling on the motion.

The Court addressed the Court as to the estimated length of trial. The Court addressed questions regarding voir dire.

Matthew O’Laughlin addressed the Court regarding the testimony of Jennifer Leonhardt.

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Recess: 8:51 am

9:01 am

All parties present

w/o jury panel

Parties discussed the inclusion of certain slides during opening statements. The Court will allow it.

9:04 am

All parties present

w/ jury panel

Court advised jury panel of length of trial. Summary of case read to the jury panel.

Courtroom introductions and names of witnesses read to the jury panel.

Oath of Voir Dire administered to all prospective jurors present (23).

Voir Dire by Court of all prospective jurors present.

Voir Dire by Beth Bloom.

Voir Dire by Heather Yakely.

Court and counsel at sidebar – challenges for cause granted as to Jurors 1, 2, 8 and 11; denied as to Jurors 6, 18, 19 and 22.

Preemptory challenges made by respective counsel.

10:26 am Eight jurors selected to try the cause.

Oath administered to empaneled jurors to try the cause.

Remaining jurors excused with the thanks of the Court.

Recess: 10:27 am

Reconvened: 10:43 am

All parties present

w/jury

Court gave Preliminary Instructions to the jury.

Opening statement by Beth Bloom on behalf of Plaintiff.

Opening statement by Heather Yakely on behalf of Defendant.

Court admonished the jury.

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Recess: 11:41 am Jury excused from open court

Reconvened: 1:01 pm

All parties present

w/jury

1:02 p.m. Jennifer Leonhardt sworn to testify.

Direct examination by Matthew O’Laughlin.

Exhibits 8 and 13 discussed with witness.

Matthew O’Laughlin offered Plaintiff’s Identification 8 (East Wenatchee Water District Employee Policy Manual.) for admission.

No objection by defendants.

Court: Plaintiffs’ Exhibit 8 is admitted.

Matthew O’Laughlin offered Plaintiff’s Identification 13 (01/01/21 – 12/31/25 Agreement between EWWD and AFoS &AFL-CIO) for admission.

No objection by defendants.

Court: Plaintiffs’ Exhibit 13 is admitted and published to the jury.

1:20 p.m. Cross examination by Heather Yakely.

1:27 p.m. Re-direct examination by Matthew O’Laughlin.

Matthew O’Laughlin offered Plaintiff’s Exhibit (Formal Complaint filed by witness with Board of Commissioners) for admission.

Objection by defendant.

Court: Plaintiffs’ Exhibit is NOT admitted.

Witness stepped down.

1:31 p.m. Vince Johnston sworn to testify.

Direct examination by Matthew O’Laughlin.

Exhibits 8, 23, 25, 26, 6, 2, 11, 28, 29, 31, 84, 30, and 60 discussed with witness.

Matthew O’Laughlin offered Plaintiff’s Identification 8 (East Wenatchee Water District Employee Policy Manual.) for admission.

No objection by defendants.

Court: Plaintiffs’ Exhibit 8 is admitted and published to the jury.

Matthew O’Laughlin offered Plaintiff’s Identification 23 (Email: Lacey Kogan to Johnston re: Brian Kniffen permanent restrictions, qualifies for preferred worker status and legal counsel/commissions will need to be involved in.) for admission.

No objection by defendants.

Court: Plaintiffs' Exhibit 23 is admitted and published to the jury.

Matthew O'Laughlin offered Plaintiff's Identification 25 (Email: Lacey Kogan to Vince Johnston re: \$5,000 L&I allowance for Brian Kniffen accommodative equipment/tools.) for admission.

No objection by defendants.

Court: Plaintiffs' Exhibit 25 is admitted and published to the jury.

Matthew O'Laughlin offered Plaintiff's Identification 26 (E.H. Wach's Valve Operator Quote) for admission.

No objection by defendants.

Court: Plaintiffs' Exhibit 26 is admitted and published to the jury.

Matthew O'Laughlin offered Plaintiff's Identification 6 (Brian Kniffen Employee's Report of Injury Form.) for admission.

No objection by defendants.

Court: Plaintiffs' Exhibit 6 is admitted and published to the jury.

Matthew O'Laughlin offered Plaintiff's Identification 2 (EWWD Utility Field Inspector Job Description.) for admission.

No objection by defendants.

Court: Plaintiffs' Exhibit 2 is admitted and published to the jury.

Matthew O'Laughlin offered Plaintiff's Identification 11 (Vince Johnston email to Lacey Kogan re Updated Job Analysis) for admission.

No objection by defendants.

Court: Plaintiffs' Exhibit 11 is admitted and published to the jury.

Matthew O'Laughlin offered Plaintiff's Identification 28 (Lacey Kogan meeting notes) for admission.

No objection by defendants.

Court: Plaintiffs' Exhibit 28 is admitted and published to the jury.

Matthew O'Laughlin offered Plaintiff's Identification 29 (Ergonomic Assessment Report by Lacey Kogan, BS, CDMS, CEAS (Lists Hyde restrictions & Identifies accommodations).) for admission.

No objection by defendants.

Court: Plaintiffs' Exhibit 29 is admitted and published to the jury.

Matthew O'Laughlin offered Plaintiff's Identification 31 (Email: Vince Johnston to Nick Warner re: Reasonable accommodations for Brian Kniffen. REDACTED) for admission.

No objection by defendants.

Court: Plaintiffs' Exhibit 31 is admitted and published to the jury.

Matthew O'Laughlin offered Plaintiff's Exhibit (hard copy of the deposition of Vince Johnston) for admission.

No objection by defendants.

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Court: Plaintiffs' Exhibit is admitted. Witness was asked to read excerpts.

Matthew O'Laughlin offered Plaintiff's Identification 84 (EH Wachs Corp Extended Reach Valve Exerciser – High Stack Version).

No objection by defendants.

Court: Plaintiffs' Exhibit 84 was discussed briefly but not admitted.

Matthew O'Laughlin offered Plaintiff's Identification 30 (E.H. Wach's ERV Quote.) for admission.

No objection by defendants.

Court: Plaintiffs' Exhibit 30 is admitted and published to the jury.

Matthew O'Laughlin offered Plaintiff's Identification 60 (EWWD Position Statement) for admission.

Objection by defendant.

Court: Plaintiffs' Exhibit 60 is NOT admitted.

Recess: 2:32 pm

Reconvene: 2:48 pm

All parties present

w/jury

Vince Johnston resumed the stand, previously sworn to testify.

2:49 p.m. Continued direct examination by Matthew O'Laughlin.

Exhibits 10, 27, 34, 3, 48, 58, 37, 46, 43, 5, and 52 discussed with the witness.

Matthew O'Laughlin discussed the Declaration of Vince Johnston, ECF No. 37, with the witness and excerpts were shown to the jury.

Matthew O'Laughlin discussed the deposition of this witness, previously admitted, and had the witness read excerpts. The same excerpts were shown to the jury.

Matthew O'Laughlin offered Plaintiff's Identification 10 (Email: Vince Johnston to Nick Warner re: Commission Meeting) for admission.

No objection by defendants.

Court: Plaintiffs' Exhibit 10 is admitted and published to the jury.

Matthew O'Laughlin offered Plaintiff's Identification 27 (Email: Lucas Rassbach to Johnston re: compliance/being asked out of WASWD) for admission.

No objection by defendants.

Court: Plaintiffs' Exhibit 27 is admitted and published to the jury.

Matthew O'Laughlin offered Plaintiff's Identification 34 (Email: Trish Guadagnoli to Vince Johnston & Anna Colin re: condensed IMR related to Brian Kniffen) for admission.

No objection by defendants.

Court: Plaintiffs' Exhibit 34 is admitted and published to the jury.

Matthew O'Laughlin offered Plaintiff's Identification 3 (Labor & Industry 2017-2023 Refund Itemization) for admission.

No objection by defendants.

Court: Plaintiffs' Exhibit 3 is admitted and published to the jury.

Matthew O'Laughlin offered Plaintiff's Identification 48 (Email: Vince Johnston to Ms. Corrigan re: 60% increase of current insurance plan.) for admission.

No objection by defendants.

Court: Plaintiffs' Exhibit 48 is admitted and published to the jury.

Matthew O'Laughlin offered Plaintiff's Identification 58 (Email: Trish Guadagnoli to Vince Johnston & Anna Colin re: Brain Kniffen's claim closed and no longer affecting District's rates) for admission.

No objection by defendants.

Court: Plaintiffs' Exhibit 58 is admitted and published to the jury.

Matthew O'Laughlin offered Plaintiff's Identification 37 (Email: Lacey Kogan to Vince Johnston re: David Hyde, PAC's responses to Brian Kniffen's IME findings.) for admission.

No objection by defendants.

Court: Plaintiffs' Exhibit 37 is admitted and published to the jury.

Matthew O'Laughlin offered Plaintiff's Identification 46 (Confluence Health Brian Kniffen Restrictions) for admission.

No objection by defendants.

Court: Plaintiffs' Exhibit 46 is admitted and published to the jury.

Matthew O'Laughlin offered Plaintiff's Identification 43 (Email: Vince Johnston to Kallen re: Brian Kniffen preferred worker status. REDACTED) for admission.

No objection by defendants.

Court: Plaintiffs' Exhibit 43 is admitted and published to the jury.

Matthew O'Laughlin offered Plaintiff's Identification 5 (Handwritten Notes) for admission.

No objection by defendants.

Court: Plaintiffs' Exhibit 5 is admitted and published to the jury.

Matthew O'Laughlin offered Plaintiff's Identification 52 (Email: Vince Johnston to Dale Foreman & Tyler Hotchkiss re: Enduris Conversation) for admission.

No objection by defendants.

Court: Plaintiffs' Exhibit 52 is admitted and published to the jury.

Recess: 3:50 pm

Reconvene: 4:07 pm

All parties present

w/jury

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4:07 p.m. Vince Johnston resumed the stand, previously sworn to testify.

Cross examination by Heather Yakely.

Exhibits 23, 26, 20, 2, 29, 30, 10, 27, 3, 48, 58 and 46 discussed with the witness.

Heather Yakely offered Plaintiff's Identification 20 (Correspondence – David Hyde, PAC re: Brian Kniffen medical restrictions) for admission.

No objection by Plaintiff.

Court: Plaintiff's Exhibit 20 is admitted and published to the jury.

The Court admonished the jury and directed them to return on Tuesday, July 22, 2025, to begin court proceedings at 8:00 a.m.

4:56 pm Jury excused from open court
All parties present
w/o jury

Beth Bloom addressed the Court regarding witness Allison West and associated exhibits 214 and 215.

Heather Yakely offered objections.

Adjourned: 5:04 pm

CONVENED: 8:30 AM	RECESSED: 8:51 AM	TIME: 21 MINS	TOTAL: 6 HRS / 15 MINS
RECONVENED: 9:01 AM	RECESSED: 10:27 AM	1 HR / 26 MINS	
RECONVENED: 10:43 AM	RECESSED: 11:41 PM	58 MINS	
RECONVENED: 1:01 PM	RECESSED: 2:32 PM	1HR / 31 MINS	
RECONVENED: 2:48 PM	RECESSED: 3:50 PM	1 HR / 2 MINS	
RECONVENED: 4:07 PM	ADJOURNED: 5:04 PM	57 MINS	